

REMARKS:

Claims 1, 7-17, 20-34, 36-40, and 42-75 were presented for examination and were pending in this application. In an Official Action dated February 13, 2004, claims 1, 7-17, 20-34, 36-40, and 42-75 were rejected and claim 16 was objected to. Applicant thanks Examiner for examination of the claims pending in this application and addresses Examiner's comments below. In addition, Applicant thanks Examiner for taking the time to conduct the telephonic Examiner Interview of May 13, 2004. During the Interview, Applicant's representatives summarized some aspects of the claimed invention in view of representative claim 1 and discussed proposed amendments with Examiner Diaz. The Examiner indicated that the proposed amendments would make the claims patentably distinguishable over the presently cited references. This response incorporates a summary of the key points discussed during the Examiner Interview.

Applicant herein amends claims 1, 11, 14, 16, 20, 22, 25, 27, 30, 31, 34, 36, 37, 39, 40, 42, 43, 45, 50, 52, 56-58, 61, 63, 66, 67, 70, and 72-74. New claims 76 and 77 are added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution of the application in a manner consistent with the Patent Office Business Goals, 65 Fed. Reg. 54603 (Sept. 8, 2000). In making these amendments, Applicant has not and does not narrow the scope of the protection to which Applicant considers the claimed invention to be entitled and does not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Claim Objections

In the 3rd paragraph of the Office Action, Examiner has objected to claim 16 due to a claim informality and required appropriate correction. Applicant has amended claim 16 to include --database-- after “lead” as suggested by Examiner. Applicant kindly requests removal of this objection.

Response to Rejection Under 35 USC § 101

In the 4th paragraph of the Office Action, Examiner has rejected claims 25-30 and 61-66 because the claimed invention was directed to non-statutory subject matter. Applicant has amended claims 25-30 and 61-66 and other claims as appropriate to obviate this rejection by clarifying the recited lead database to be an electronic lead database. Accordingly, Applicant respectfully requests that Examiner reconsider the rejection, and withdraw it.

Response to Rejection Under 35 USC 103(a) in View of Anderson and Boudrow

In the 7th paragraph of the Office Action, Examiner rejects claims 1, 7-17, 20-34, 36-40, and 42-75 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,078,892 to Anderson et al. (“Anderson”) in view of Boudrow (“Chamber Referral Program Not for All Real Estate Agents”), (“Boudrow”).

Independent claims 1, 25, 31, 39, 45, 67, and 72 have been amended to recite “a confirmation message to the lead prior to the sales agent contacting the lead, ... for introducing the lead to the sales agent.” In addition to the advantageous push features of the

claimed invention, the lead confirmation message provides a great improvement in the state of the art by beneficially introducing the lead to the sales agent, which serves to increase the chance of a successful contact eliminating the need for cold-calling by agents.

Anderson simply discloses a lead database that provides searching and pre-scoring of leads for sales agents. In addition to other deficiencies, Anderson also fails to provide a lead confirmation message sent prior to the agent contacting the lead for introducing the lead to the sales agent. The Boudrow reference discloses a Realtor lead referral program in which leads are made exclusive for 30-days. However, Boudrow does not provide the lead confirmation message lacking in Anderson. Thus, neither Anderson alone, nor Boudrow alone or their combination anticipate every element of claims 1, 25, 31, 39, 45, 67, or 72.

Based on the above Amendments and the following Remarks, Applicant respectfully submits that for at least these reasons claims 1, 25, 31, 39, 45, 67, and 72 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicant respectfully requests that Examiner reconsider the rejection, and withdraw it. Further, as claims 7-17, 20-24, 26-30, 32-34, 36-38, 40, 42-44, 46-60, 62-66, 68-71, and 73-75 are directly or indirectly dependent on claims 1, 25, 31, 39, 45, 67, or 72, all arguments advanced above with respect to claims 1, 25, 31, 39, 45, 67, and 72 are hereby incorporated so as to apply to claims 7-17, 20-24, 26-30, 32-34, 36-38, 40, 42-44, 46-60, 62-66, 68-71, and 73-75. Accordingly, Applicant respectfully submits that claims 1, 7-17, 20-34, 36-40, and 42-75 are patentably distinguishable over the cited references, alone and in combination, and requests their allowance.

Conclusion

Applicant has added new claims 76 and 77 for which Applicant requests consideration and examination. Applicant respectfully submits that these are supported by the specification and are commensurate within the scope of protection to which Applicant believes they are entitled.

In sum, Applicant respectfully submits that claims 1, 7-17, 20-34, 36-40, and 42-77, as presented herein, are patentably distinguishable over the cited references, alone or in combination. Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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